

## AGENDA



Thursday, July 26, 2007

**Austin Water Utility  
RECOMMENDATION FOR COUNCIL ACTION****Item No. 7**

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**Subject:** Authorize the revision of the fee schedule for participation under the "Balcones Canyonlands Conservation Plan (BCCP) – Shared Vision" for a period of two years (until July 14, 2009).

**Amount and Source of Funding:** This action does not require budget allocation or funding.

**Fiscal Note:** A fiscal note is not required.

**For More Information:** William Conrad, 263-6430; Denise Avery, 972-0104

**Boards and Commission Action:** Recommended by the Travis County Commissioners' Court, BCCP Coordinating Committee, BCCP Citizens Advisory Committee, BCCP Scientific Advisory Committee, and the Water and Wastewater Commission.

**Prior Council Action:** The revised fee was extended by actions of the City Council and Travis County Commission from July 15, 1999 to July 14, 2000, July 15, 2000 to July 14, 2001, July 15, 2001 to July 14, 2002, July 15, 2002 to July 14, 2003, and July 15, 2003 to July 14, 2004, July 15, 2004 to July 14, 2005, July 15, 2005 to July 14, 2006, July 14, 2006 to July 14, 2007

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The Balcones Canyonlands Conservation Plan – Shared Vision was based on a financial plan that used both participation fee revenues and tax increment financing (TIF) by Travis County to generate funds for acquisition of the remaining acreage needed for the Balcones Canyonlands Preserve. During the first two years of plan implementation, landowners were slow to participate under the BCCP and often chose the alternative route of obtaining an individual 10(a) permit from the U.S. Fish and Wildlife Service. As a result, revenues from both primary financing mechanisms fell short of expectations, despite a historically high surge in land development within Travis County.

A lowering of participation fees to stimulate landowner interest in using the BCCP permit was one of the financing plan modifications recommended by the BCCP Coordinating Committee after extensive discussions with the public and the BCCP Citizens Advisory Committee. On May 4, 1998, the Coordinating Committee passed a revised fee schedule that effectively lowered most fees for BCCP participation for a period of one year. The City Council (May 21, 1998) and the Travis County Commissioners Court (June 23, 1998) also passed the revised fee resolution as an amendment to the original BCCP-Shared Vision.

On April 17 2007, the BCCP Citizens Advisory Committee recommended that fees for BCCP participation should increase because land costs for mitigations are increasing. Additionally, they felt that the value to landowners who participate increased as well. Following the fee increase applied to 2006 – 2007 participation certificates, they felt that additional fee increases will not adversely affect private landowners participating in BCCP mitigation. Furthermore, they felt that land prices are increasing significantly and fees should more appropriately reflect these rising costs. The Citizens Advisory Committee recommended two years of successive fee increases to provide some measure of certainty for private land owners considering how and when to mitigate endangered species habitat.

The proposed fees will now reflect fees originally proposed in the BCCP Interlocal Agreement – Shared Vision in 1996, except fees for karst zones 1 and 2. These fees are higher than originally proposed, but, again, reflect reasonable mitigation. Karst fees are only assessed when karst is the only resources affected. When karst habitat is affected along with avian species habitat, only fees for avian impacts are assessed.

The BCCP Coordinating Committee accepted the Citizens Advisory Committee recommendations and voted to raise fees for BCCP participation on April 26, 2007.

The key provisions for the revised fee structure are included in the attached resolution.